

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADRIAN SCHOOLCRAFT,

x
10CV6005(RSW)

Plaintiff,

-against-

THE CITY OF NEW YORK, DEPUTY CHIEF MICHAEL MARINO, Tax Id. 873220, Individually and in his Official Capacity, ASSISTANT CHIEF PATROL BOROUGH BROOKLYN NORTH GERALD NELSON, Tax Id. 912370, Individually and in his Official Capacity, DEPUTY INSPECTOR STEVEN MAURIELLO, Tax Id. 895117, Individually and in his Official Capacity, CAPTAIN THEODORE LAUTERBORN, Tax Id. 897840, Individually and in his Official Capacity, LIEUTENANT JOSEPH GOFF, Tax Id. 894025, Individually and in his Official Capacity, SGT FREDERICK SAWYER, Shield No. 2576, Individually and in his Official Capacity, SERGEANT KURT DUNCAN, Shield No. 2483, Individually and in his Official Capacity, LIEUTENANT CHRISTOPHER BROSCHART, Tax Id. 915354, Individually and in his Official Capacity, LIEUTENANT TIMOTHY CAUGHEY, Tax Id. 885374, Individually and in his Official Capacity, SERGEANT SHANTEL JAMES, Shield No. 3004, and P.O.'s "JOHN DOE" #1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown) (collectively referred to as "NYPD defendants"), JAMAICA HOSPITAL MEDICAL CENTER, DR. ISAK ISAKOV, Individually and in his Official Capacity, DR. LILIAN ALDANA-BERNIER, Individually and in her Official Capacity and JAMAICA HOSPITAL MEDICAL CENTER EMPLOYEE'S "JOHN DOE" # 1-50, Individually and in their Official Capacity (the name John Doe being fictitious, as the true names are presently unknown),

DECLARATION OF
BRIAN E. LEE IN REPLY TO
PLAINTIFF'S OPPOSITION

Defendants.

x

BRIAN E. LEE, declares the following pursuant to 28 USC §1746, under penalty of perjury:

That I am a Member of Ivone, Devine & Jensen, LLP, the attorneys for the defendant ISAK ISAKOV, M.D., and am fully familiar with the facts and circumstances of this action by virtue of a review of the file in my office.

That this Declaration is submitted in support of the instant motion for an Order granting the defendant ISAK ISAKOV, M.D. summary judgment dismissing all federal claims pleaded against Dr. Isakov pursuant to Rule 56 of the Federal Rules of Civil Procedure upon the grounds that there is no "state action" providing jurisdiction for this Court; for a further order granting summary judgment dismissing the claim pleaded for intentional infliction of emotional distress; and for an Order from this Court declining to exercise supplemental jurisdiction over plaintiff's pendent state law claim; and for such other and further relief as may be just and proper.

This Declaration is submitted in reply to the opposition papers of the plaintiff.

Attached hereto are the following Exhibits:

Exhibit H: Certified transcript of meeting between Adrian Schoolcraft, his father Larry Schoolcraft, Sgt. Chu on the NYPD Internal Affairs Bureau, Dr. Isakov and Social Worker Christine McMahon (to be filed under seal).

WHEREFORE, defendant ISAK ISAKOV, M.D. respectfully requests that the motion for summary judgment dismissing the complaint, and for the other requested relief, be granted in its entirety.

Dated: Lake Success, New York
 March 5, 2015

Yours, etc.,

IVONE, DEVINE & JENSEN, LLP

/s/ Brian E. Lee

By:

BRIAN E. LEE (9495)
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